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Attorneys for Defendant JUPITERIMAGES CORP.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

STEVE SHAPIRO and STEVE SHAPIRO  
MUSIC,

**Plaintiffs,**

V.

JUPITERIMAGES CORPORATION,

Defendant.

CASE NO. 3:07-CV-5540 PJH

**JUPITERIMAGES CORP.'S NOTICE OF  
WITHDRAWAL OF MOTION TO DISMISS  
COMPLAINT**

Date: December 12, 2007

Time: 9:00 a.m.

Place: Courtroom 3

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 Plaintiffs filed a Complaint for declaratory relief. The Complaint was incorrectly  
3 drafted and declaratory relief was improper.

4 Jupiterimages Corporation ("Jupiterimages") filed a motion to dismiss the  
5 Complaint. The motion cited several cases, directly on point, holding that declaratory relief was  
6 improper.

7 Instead of dismissing the Complaint, plaintiffs persist in their wrongful conduct by  
8 filing a First Amended Complaint ("FAC"). However, in light of the filing of the FAC,  
9 Jupiterimages hereby files this Notice of withdrawal of motion to dismiss the original Complaint.

10 The FAC's request for declaratory relief is just as improper as the initial Complaint.  
11 Jupiterimages will file a new motion to dismiss the FAC shortly.

12 DATED: November 20, 2007

JEFFER, MANGELS, BUTLER & MARMARO LLP  
JEFFREY K. RIFFER

14 By: /S/ JEFFREY K. RIFFER  
15 JEFFREY K. RIFFER  
16 Attorneys for Defendant JUPITERIMAGES CORP.  
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Jeffrey Mangels  
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